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692 only in putting forward property claims, and then only in the rare cases in which self-help is not preferred to legal procedure. The prosecution of a punishable deed does not take place by official action, but only on the basis of a complaint raised by the injured party. Judicial proceedings are generally customary.

685 The procedure in the penal case of a livestock theft, which occurs frequently, is to be shown. It is to be assumed that an ox has been stolen in the pasture. If the boy tending the livestock observed the theft, he notifies the owner of the herd (father or brother of the herdsman) upon coming home in the evening. Otherwise the wives of the owner, in looking over the livestock, immediately notice the loss, since they know every head precisely. All the conversation in the kraal only revolves around the theft, and through that it becomes known on that same evening, not only in the home kraal, but also in the neighboring ones. The friends of the one robbed declare themselves ready to pursue the thief and track down the stolen head of cattle. If their investigation leads [692] to their discovering the ox or parts of it, so that the thief can be convicted, there are as a rule no judicial preceedings, since the perpetrator and his accomplices usually immediately declare themselves ready to pay the customary fine. If, however, the investi- [787] gation is without success, the person robbed turns to a sorcerer [694] (ol goiatiki), who, on the basis of an oracle (en gidon), gives him a description of the appearance of the thief, whereupon the one robbed will accuse of the theft a man who fits this description. The 695 one so accused appears in the following proceedings as defendant, 685 in the same way as, say, one who is charged on circumstantial [693] evidence. The one robbed selects as leader of the proceedings a respected old man who must have formerly once been speaker of [202] the warriors. This man determines /219/ the day and place of the [237] proceedings and has this announced by a crier, who goes to the neighboring kraals, draws attention to himself by blowing a kudu or oryx horn, and informs the approaching people about the matter. Further, the judge summons plaintiff, defendant, and possibly witnesses by messengers. If the defendant refuses to appear, he is forcefully led up by friends of the plaintiff. Anyone may appear a as a witness. Relatives of the defendant may refuse both to give

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562 694 695 Women are also entitled to make a complaint. Evidence presented by witnesses is valid only to the extent that the persons assembled for the proceedings wish to be convinced by it.

683 [692] The crime of sorcery is only rarely dealt with in a judicial assembly. For the most part the one bewitched, after he has learned from an ol goiatiki the name of the bewitcher, prefers to induce the latter, through gifts, to bewitch him healthy again. Thereupon the two conclude friendship /221/ or, however -- and this not infrequently happens -- the bewitched one now kills his opponent, and, to be sure, without inviting blood revenge upon himself because of it.

681 648 [575] [781] There are no secret societies for the purpose of legal actualization or for other purposes. Bier tests or the belief that the dead person will reveal the murderer in a dream are unknown. The Masai do not live with other peoples in such a relationship that the latter could demand or request expiation for murder or some other crime or misdemeanor committed by a Masai on a non-Masai. In this case, therefore, the deed remains unexpiated, whereas the Masai as a rule practice retaliation if the deed was committed on one of their people. Whether or not the murder committed on an Asá or an ol Kuafi by a Masai is expiated depends in each case on the greater or lesser degree of friendly relations that exist between the communities of the murderer and the one murdered. In most cases expiation does not take place, whereas if the injured one is a Masai, his fellow tribesmen will answer with war.